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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,531	03/15/2004	Andreas P. Heiner	944-003.204	3521

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EXAMINER
HAN, QI

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/802,531	HEINER ET AL.	
	Examiner	Art Unit	
	Qi Han	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-31 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 07/16/2003.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement submitted on 03/15/2004 have been considered by the examiner (see attached PTO-1449), except the reference of IDS:3 because it has no date and/or lacks evidence of providing consistent or same content (see attached Form 1449/PTO).

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Regarding claims 10 and 24, the limitation of "the indication of at least one translation need or desire **includes identification of a language** in which the user is fluent" lacks antecedent basis and/or clear descriptions in the specification.

Regarding claims 11 and 25, the limitation of "the indication of at least one translation need or desire includes identification of a particular word or phrase that the user will, or may, need to have translated" lacks antecedent basis and/or clear descriptions in the specification.

Regarding claim 14, the limitation of "a computer readable medium encoded with a software data structure" lacks antecedent basis and/or clear descriptions in the specification.

Claim Objections

3. Claims 12 and 26 are objected to because of the following informalities:

Regarding claims 12 and 26, the limitation "arriving from" appears to be "arriving at" and will be interpreted as so hereinafter. Appropriate correction or explanation is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over COX et al. (US 7,272,377 B2) hereinafter referenced as COX in view of KRAEMER at al. (US 2003/0065504 A1) hereinafter referenced as KRAEMER.

As per **claim 15**, COX discloses 'system and method of ubiquitous language translation for wireless device (mobile terminal)'(title), comprising:

"a language translation device (Fig. 5 and Fig. 1, 12) that includes a database for accommodating translation data, the language translation device being equipped to provide a number of language translation services to the user, and the language translation device being responsive to a contextual translation data update signal [that updates the database]", (see Fig. 1 and 5; col. 1, lines 13-67; and col. 4, lines 16-59, 'providing ubiquitous language translation services using a wireless device (language translation device), 'if the ASR (automatic speech recognition), language translation and speech synthesis functions (read on a number of language

translation services, which necessarily and inherently include database(s), such as translation database/table/dictionary for implementing the functions) are performed locally on the wireless device 12, then the only information transmitted (being responsive) to the wireless device by the network is the updated language priority listing (contextual translation data update signal)', 'multi-language database 30 stores the various data necessary to translate the source language message into variety of target languages' and 'such data may be stored in database 30 or **some** or all of the information may be downloaded to the wireless device 12', which also implies that device stores the data/information in certain database/table/dictionary that is interpreted as database in a broad sense);

"an electronic data input and output module (Fig. 5, combination of 92 and 100), for providing the contextual translation data update signal to the language translation device, the electronic data input and output module being responsive to a context change signal [indicative that the database may need to be updated]" (col. 4, lines 16-59, 'information transmitted to the wireless device by the network is the updated language priority listing', 'some or all of the information may be downloaded (input) to the wireless device 12', mechanism 'communicating with the network' can also read on the input and output module; Fig. 3 and col. 6, line 35 to col. 7, line 3, 'target language lists may be transmitted to the wireless device', 'display 60 (output device)' shows that 'menu 64 (output) includes a listing (corresponding to the context change signal) of available target languages');

"wherein the contextual translation data update signal is input into the mobile terminal, and the context change signal is output from the mobile terminal" (as stated above).

It is noted that COX's discloses a **functionally similar** mechanism as claimed "a context comparator for providing the context change signal if the translation data is insufficient to cover a present or anticipated context of the mobile terminal" (Fig. 1 and col. 6, lines 25-29, 'the database 28 stores demographic information...such that the network can compare the location of the wireless device 12 to the detailed demographic data and transmit (provide) the prioritized target language or group of prioritized target languages to the wireless device 12'; and col. 5, lines 30-65) **in network**, but is **not physically on the mobile terminal** as claimed. However, COX further discloses that 'the language and location database 28 may also be included in any other module' and 'the particular location of these modules in the network, or on the wireless device is immaterial and any convenient location for them is considered' (col. 8, lines 44-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that a context comparison mechanism for providing context change signal can be either in a network or on a wireless device (mobile terminal) based on considering convenient location for the related functions, and to combine different teachings of COX by providing a context comparison mechanism providing a context change signal in a wireless device (mobile terminal), as suggested by COX, for the purpose (motivation) of considering convenient location for the related function modules (COX: col. 8, lines 46-49), because when the ASR, language translation, and speech synthesis functions are performed on the device (COX: col. 4, lines 43-47), performing the related context comparison on the device would be considered as suitable choice and/or convenient location for the processing.

Further, it is noted that COX does not expressly discloses the contextual translation data update signal that "updates the database" and the context change signal "indicative that the

database may need to be updated". However, the feature is well known in the art as evidenced by KRAEMER who discloses 'instant verbal translator' (title), providing 'mobile translation capabilities' (abstract), comprising mobile terminal such as 'personal data assistants (PDA), lap top computers' including 'database' and 'communication interface' (including input and output signal) (p(aragraph)18-p19), and teaches that 'multiple databases and/or partitionable databases may be utilized' to 'recognize, interpret and translate verbal communications' for different languages and 'additional database may also be provided for translating additional languages or the databases may be substituted for each other as necessary' (p21); 'the local/proximate database receives updated information (corresponding to contextual translation data update signal) from the centralized and/or regional databases as needed (by user)' and 'provide translations for a limited number of languages' and 'the languages stored in the local database may be substituted with another language upon establishing a wired or wireless connection with a central/regional database and downloading the desired language while deleting an undesired language' (p24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that updating local database must be needed/desired by user and is necessary through a request and/or a confirmed information (corresponding the context change signal) from a local user device, and to modify COX by providing local database(s) with translations for a limited number of languages and a mechanism of updating the database(s) as needed, as taught by KRAEMER, for the purpose (motivation) of providing mobile translation capabilities to any person at any location (KRAEMER: abstract) and/or reducing the complexity/requirement of processing capabilities for local device(s) (mobile terminal) (KRAEMER: p24) so as to reduce the cost of the local device(s).

As per **claim 16** (depending on claim 15), COX in view of KRAEMER further discloses "the present or anticipated context is a country having a primary language different from a language in which the user is fluent" (COX: Fig. 3 and col. 5, lines 30-39, 'France').

As per **claim 17** (depending on claim 15), COX in view of KRAEMER further discloses "the present or anticipated context is a setting or location in a country having a primary language different from a language in which the user is fluent" (COX: Fig. 2 and col. 3, lines 13-26; col. 5, lines 30-65).

As per **claim 18** (depending on claim 15), the rejection is based on the same reason described for claim 15, because it also reads on the limitations of claim 18.

As per **claim 19** (depending on claim 15), COX in view of KRAEMER further discloses "the anticipated context is entered by the user" (COX: col. 7, lines 54-62, 'the user ...to choose (enter) the target language (anticipated context)').

As per **claim 20** (depending on claim 15), the rejection is based on the same reason described for claim 15, because it also reads on the limitations of claim 20.

As per **claim 21** (depending on claim 17), COX in view of KRAEMER further discloses "the setting or location is sensed by, determined by, or signaled to the mobile terminal" (COX: col. 5, lines 3-18).

As per **claim 22** (depending on claim 15), the rejection is based on the same reason described for claim 15, because it also reads on the limitations of claim 22.

As per **claim 23** (depending on claim 15), the rejection is based on the same reason described for claim 15, because it also reads on the limitations of claim 23.

As per **claim 24** (depending on claim 23), COX in view of KRAEMER further discloses "the indication of at least one translation need or desire includes identification of a language in which the user is fluent" (COX: col. 5, lines 33-35, 'English speaking person'; Fig. 3 and col. 6, lines 38-45 'source language'; also see KRAEMER: p21).

As per **claim 25** (depending on claim 23), COX in view of KRAEMER further discloses "the indication of at least one translation need or desire includes identification of a particular word or phrase that the user will, or may, need to have translated" (COX: col. 1, lines 50-64, 'a source language speech input' comprising 'words, sentences, and phrases in a natural spoken language', 'recognizes (identifies) source expressions in the source language'; also see KRAEMER: p21).

As per **claim 26** (depending on claim 23), COX in view of KRAEMER further discloses "the number of language translation services is zero if the user is in, or arriving at [from], a country where the user speaks fluently" (COX: Fig. 3, wherein one of ordinary skill in the art would recognize that when the languages in block 64 and 62 are the same, there is no need for translation (the services is zero)).

As per **claim 27** (depending on claim 15), the rejection is based on the same reason described for claim 15, because it also reads on the limitations of claim 27, wherein 'speech synthesis' disclosed by COX reads on the claimed "at least on text-to-speech feature".

As per **claims 1-13**, they recite a method. The rejection is based on the same reason described for claims 15-27, because they recited the same or similar limitations as claims 15-27 respectively.

As per **claim 14**, it recites a computer readable medium. The rejection is based on the same reason described for claim 1, because it recites the same or similar limitations as claim 1.

As per **claim 28**, the rejection is based on the same reason described for claim 15, because it also reads on the limitations of claim 28.

As per **claim 29** (depending on claim 28), the rejection is based on the same reason described for claims 15 and 16, because it also reads on the limitations of claim 29.

As per **claim 30** (depending on claim 28), the rejection is based on the same reason described for claims 15 and 17, because it also reads on the limitations of claim 30.

As per **claim 31** (depending on claim 28), the rejection is based on the same reason described for claim 28, because it also reads on the limitations of claim 31, wherein communication mechanism/interface disclosed by COX in view of KRAEMER necessarily and inherently includes "outputting data from the mobile terminal" as claimed.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see http://pair-direct.uspto.gov.

QH/qh
September 30, 2007